

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

APPROXIMATELY \$221,425 IN UNITED
STATES CURRENCY SEIZED FROM
MITCHELL REED GAYS ON APRIL 27,
2020 IN CHARLOTTE, NORTH
CAROLINA.

CIVIL NO. 3:20-cv-00435

CONSENT ORDER FOR THIRD PARTY CLAIM

THIS MATTER is before the Court by consent of the United States of America, by and through William T. Stetzer, Acting United States Attorney for the Western District of North Carolina and Claimant Mitchell Gays (“Gays”), through counsel, pursuant to 18 U.S.C. § 983(d) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Government and Gays have consented to this Consent Order as a final adjudication and settlement of all matters with regard to forfeiture of the property identified in this case (hereafter, “the Property”).

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. The Government has alleged in the Complaint for Forfeiture *In Rem* (Doc. 1) that the Property, consisting of approximately \$221,425 in seized currency, is proceeds of drug trafficking and/or was used or intended to be used to facilitate drug trafficking. Upon notice of this Complaint, Gays filed a Claim for the Property.

2. Although factual disputes remain between the Government and Gays, following discussions and exchange of information regarding the case the parties have agreed to stipulate

that \$104,069.75 of the Property shall be turned over to Gays' counsel for payment of attorney's fees and costs, and for purposes determined by Gays. Gays agrees to waive any and all interest in the remaining \$117,355.25 of the Property and to the forfeiture of \$117,355.25 of the Property.

3. The Government agrees to, upon issuance of this Consent Order and a Default Judgment as to the rest of the world, issue a payment of \$104,069.75 of the Property to Gays, through his counsel.¹ Gays agrees to release and forever discharge his interests in all remaining Property in this case.

4. The payment to counsel for Gays shall be in full settlement and satisfaction of all potential claims by Gays in this action and all potential claims resulting from the incidents or circumstance giving rise to this action.

5. Gays agree not to pursue against the United States any rights that they may have to the Property in this case except as otherwise specified herein.

6. Gays understands and agrees that the United States reserves the right to terminate the forfeiture action at any time.

7. The Government and Gays waive any rights to further litigate between each other in this forfeiture action.


8. Unless specifically directed by an order of the Court, Gays shall be excused and relieved from further participation in this action.

¹ Gays and his counsel understand and agree that settlements of forfeiture cases and Government payments generally are processed through the Treasury Offset Program ("TOP"), a system for the Government to collect moneys owed before Treasury Department issues payments to recipients. Gays understands that the Government will make payment pursuant to the terms of this Consent Order, to Gays, care of counsel, Edward M. Burch, Law Office of Michael and Burch, LLP. Gays understands that, if Gays or Michael and Burch owe outstanding tax obligations or other obligations collectible via TOP, TOP may offset any amount paid via this settlement so as to satisfy those obligations. Gays and his counsel understand that the U.S. Attorney's Office, Western District of North Carolina, does not control or know which obligations, if any, related to Gays or Michael and Burch, are entered into TOP and cannot control the offset process, but that, if an offset occurs, the Department of Treasury will provide appropriate TOP notices and procedures to Gays and its counsel.

IT IS THEREFORE ORDERED THAT:

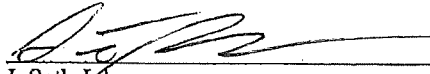
Based upon the stipulation of the parties it is hereby recognized that Gays has an interest in \$104,069.75 of the Property. It is, therefore, ordered that, upon issuance of this Consent Order and a Default Judgment as to the remainder of the world in this action, the United States shall pay \$104,069.75 to Gays, through counsel. Further, Gays' Claim for the remaining \$117,355.25 is hereby dismissed. The Government and Gays shall bear their own fees and costs incurred in this federal forfeiture action, including attorneys' fees.

Signed this 7th day of June, 2021.


HON. GRAHAM C. MULLEN
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND
BY CONSENT OF THE PARTIES:

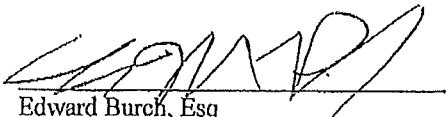
William T. Stetzer
ACTING UNITED STATES ATTORNEY


J. Seth Johnson
Assistant United States Attorney

6/1/21
Date


Mitchell Reed Gays
Claimant

5/27/21
Date


Edward Burch, Esq
Attorney for Claimant

5/29/21
Date